



**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916 341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341 5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)

SURNAME



**Arnold Schwarzenegger**  
Governor

December 12, 2007

In Reply Refer  
to: 300:WT:S008208,  
S008216

John & Mary Ann Fitzgerald  
13305 Ager Beswick Rd  
Montague, CA 96064

## OWNER ASSIGNMENT OF STATEMENTS OF WATER DIVERSION AND USE S008208 AND S008216 FOR DIVERSIONS FROM COLD CREEK TRIBUTARY TO BOGUS CREEK IN SISKIYOU COUNTY

On August 7, 2007 the State Water Resources Control Board, Division of Water Rights (Division) received notification changing the ownership of S008208 and S008216 from Marilyn Fitzgerald to John and Mary Ann Fitzgerald. Accordingly, the Division will update its records to show the following:

Statement ID:	S008208 and S008216
Current Owner:	John & Mary Ann Fitzgerald
Mailing Address:	13305 Ager Beswick Rd Montague, CA 96064
Telephone:	(530) 459-3159

A Supplemental Statement of Water Diversion and Use (Supplemental Statement) will be mailed to you every three years, which must be filed with the Division prior to July 1 that year. There is no fee for filing a Supplemental Statement. The submittal of a Supplemental Statement is a record of your water use. It is used by the Division to verify existing data and to notify you of water right matters related to your claim.

If you have questions or concerns regarding this matter, please contact me at (916) 341-5408 or at [WToy@waterboards.ca.gov](mailto:WToy@waterboards.ca.gov).

Sincerely,

Whalen Toy  
Water Resources Control Engineer  
Data Management Unit

U:\Herdrv\DMU\STATEMENTS\Letters\Owner Change\S008208 Change.doc

SURNAME

WT 12/12/07

## DEC 6 2002

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO X.
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to wastewater reclamation. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO X.
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg) yr \_\_\_\_\_ (af/mg)  
I have data to support the above surface water use reductions due to conjunctive use efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 6-18, 20 02 at 13305 Agave Research Rd Montague, California

SIGNATURE: [Signature]

PRINTED NAME: John B Fitzgerald  
(first name) (middle init.) (last name)

COMPANY NAME: \_\_\_\_\_

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"



S008216%\$%2004

2002, 2003, 2004

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

**Please Complete and Return This Form by JULY 1, 2005.**

**\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.**

**Owner of Record:** MARILYN FITZGERALD;

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

**MARILYN FITZGERALD**  
**13305 AGER-BESWICK**  
**MONTAGUE, CA 96064**

STATEMENT NO.: S008216  
CONTACT PHONE NO.: (916)459-3188

**Source Name:** COLD CREEK

**Tributary To:** BOGUS CREEK

**County:** Siskiyou

**Diversion Within:** NW1/4 of NE1/4 Section 18, T47N, R04W, MB&M

**Year of First Use:** 1962

**Parcel Number:**

A. **Water is Used Under:** Riparian claim \_\_\_\_\_ Pre-1914 right \_\_\_\_\_ Other (explain): \_\_\_\_\_

B. **Year of First Use:** (Please provide if missing above) \_\_\_\_\_

C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons				Million Gallons (MG)				Acre-feet (AF)				Other		Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec		
2002														
2003														
2004														

D. **Purpose of Use** – Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_;

Other (specify) \_\_\_\_\_

E. **Changes in Method of Diversion** – Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES \_\_\_\_\_ NO \_\_\_\_\_  
Describe any water conservation efforts you have initiated: \_\_\_\_\_

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

Reduction in consumptive use:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

GS  
8/8

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO \_\_\_\_
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used: \_\_\_\_\_

Amount of reduced diversion:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_ NO \_\_\_\_
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used: \_\_\_\_\_

Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_  
(first name) (middle initial) (last name)

COMPANY NAME: \_\_\_\_\_

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
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GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

STATE WATER RESOURCES  
CONTROL BOARD

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

*Handwritten signature*

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

99 JUN -1 PM 3:45 If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

DIV. OF WATER RIGHTS  
SACRAMENTO

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999

OWNER OF RECORD: MARILYN FITZGERALD

MARILYN FITZGERALD  
13305 AGER-BESWICK  
MONTAGUE, CA 96064

STATEMENT NO: S008216

SOURCE: COLD CREEK  
TRIBUTARY TO: BOGUS CREEK  
COUNTY: SISKIYOU  
DIVERSION  
WITHIN: NW¼ OF NE¼ SECTION 18, T47N, R4W, MB&M.

TELEPHONE NUMBER:  
(916) 459-3188  
YEAR OF FIRST USE: 1962  
PARCEL NO:

- A. Water is used under: Riparian claim \_\_\_\_\_ Pre 1914 right \_\_\_\_\_ Other (explain): \_\_\_\_\_
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons \_\_\_\_\_ Acre-feet \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000
1997	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000
1998	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 3 acres; Stockwatering 200 head; Domestic 6  
Other (specify) \_\_\_\_\_
- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)  
None
- F. Please answer only those questions below which are applicable to your project.
1. Conservation of water
- a. Describe any water conservation efforts you may have started: \_\_\_\_\_
- b. \_\_\_\_\_
- c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:  
19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)
2. Water quality and wastewater reclamation
- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO X

*Handwritten signature*

7/23

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO X
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 4-24 19 99 at 13305 Ager Besovich Rd Montague California

SIGNATURE: John Fitzgerald

PRINTED NAME: John B Fitzgerald  
(first name) (middle init.) (last name)

COMPANY NAME: \_\_\_\_\_

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
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GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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STATE WATER RESOURCES  
CONTROL BOARD

STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS  
P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-2170

96 JUN 24 **SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

DIV. OF WATER RIGHTS SACRAMENTO If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

**PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.**

**OWNER OF RECORD:** MARILYN FITZGERALD

MARILYN FITZGERALD  
13305 AGER-BESWICK  
MONTAGUE, CA 96064

**STATEMENT NO:** S008216

**SOURCE:** COLD CREEK  
**TRIBUTARY TO:** BOGUS CREEK  
**COUNTY:** SISKIYOU  
**DIVERSION:**

**TELEPHONE NUMBER:**  
(916) 459-3188  
**YEAR OF FIRST USE:** 1962  
**PARCEL NO:**

**WITHIN:** NW¼ OF NE¼ SECTION 18, T47N, R4W, MB&M.

- A. Water is used under: Riparian claim \_\_\_\_\_; Pre 1914 right \_\_\_\_\_; Other (explain) appropriate
- B. Year of first use (Please provide if missing above) 1962
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are:    ☐ Gallons        ☐ Acre-feet        ☐ (other) \_\_\_\_\_

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT	OCT.	NOV.	DEC	TOTAL ANNUAL
1993	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000
1994	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000
1995	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 3.5 acres; Stockwatering 200 head; Domestic 5 persons  
Other (specify) \_\_\_\_\_
- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)  
\_\_\_\_\_
- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.  
\_\_\_\_\_

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California

SIGNATURE: Marilyn Fitzgerald

PRINTED NAME: MARILYN F. FITZGERALD  
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: \_\_\_\_\_

**See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.**





**\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\***

# STATE WATER RESOURCES CONTROL BOARD

## DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

### SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S008216

OWNER OF RECORD: MARILYN FITZGERALD

MARILYN FITZGERALD  
13305 AGER-BESWICK  
MONTAGUE, CA 96064

STATE WATER RESOURCES  
CONTROL BOARD  
DIV. OF WATER RIGHTS  
SACRAMENTO  
1995 JUN 22 PM 12:40

SOURCE: COLD CREEK  
TRIBUTARY TO: BOGUS CREEK  
COUNTY: SISKIYOU

#### DIVERSION

WITHIN: NW¼ OF NE¼ SECTION 18, T47N, R4W, MDB&M.

TELEPHONE NUMBER:

(916) 459-3188

YEAR OF FIRST USE: 1962

PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

**COMPLETE AND RETURN THIS FORM BY JULY 1, 1995**

- A. Water is used under: Riparian claim \_\_\_\_\_; Pre 1914 right \_\_\_\_\_; Other (explain) appropriated
- B. Year of first use (Please provide if missing above) 1962
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	\$490000
1993	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	\$490000
1994	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	\$50000

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
- Irrigation 3 ac. acres; Stockwatering 200; Domestic 5-8 persons
- Other (specify) \_\_\_\_\_

**\*\*\* CONTINUE ON BACK PAGE \*\*\***

\*\*\*PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

~~0~~

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

                    

**I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.**

DATED: 6/15/95, 1995, at MONTAQUE, California

SIGNATURE: Marilyn F. Fitzgerald

PRINTED NAME: MAK BLVIN OF FITZGERALD  
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: \_\_\_\_\_

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An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

### “Statements of Water Diversion and Use”

**"Information Pertaining to Water Rights in California"**

## **"Water Rights for Stockponds Constructed Prior to 1969"**

## "Appropriation of Water in California"

## STATE WATER RESOURCES CONTROL BOARD

## DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

(916) 657-1875

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 008216

MARILYN FITZGERALD  
13305 AGER-BESWICK  
MONTAGUE, CA 96064

TELEPHONE NUMBER  
(916) 459-3488

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT

SOURCE: COLD CREEK

TRIBUTARY TO: BOGUS CREEK

COUNTY: SISKIYOU

YEAR OF FIRST USE: 1962

DIVERSION

WITHIN: NW1/4 OF NE1/4 SECTION 18, T47N, R04W, MDB&amp;M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994

- A. Water is used under: Riparian claim \_\_\_\_\_; Pre 1914 right \_\_\_\_\_; Other (explain) appropriated
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991	<del>40000</del> 30000	<del>40000</del> 30000	<del>40000</del> 30000	<del>40000</del> 50000	50000	50000	50000	50000	50000	30000	30000	30000	490000
1992	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000
1993	30000	30000	30000	50000	50000	50000	50000	50000	50000	40000	30000	30000	490000

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation 3 1/2 acres; Stockwatering 150-200 hd.; Domestic 6 persons  
Other (specify) Lawn & garden

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3-16, 1994, at Montague, CaliforniaSignature: John Fitzgald

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
901 P ST. SACRAMENTO, CA 95814  
(916) 322-4503

(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATE WATER RESOURCES  
CONTROL BOARD

1991 MAR 21 PM 3:08

DIV. OF WATER RIGHTS  
SACRAMENTO

STATEMENT NO: 008216

DIVERTER OF RECORD:

~~JOHN P~~ <sup>Deceased</sup> & MARILYN FITZGERALD  
13305 AGER-BESWICK  
MONTAGUE, CA 96064

TELEPHONE NUMBER:  
(916) 459-3188

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: COLD CREEK

TRIBUTARY TO:

COUNTY: SISKIYOU

DIVERSION

WITHIN: NW1/4 OF NE1/4 SECTION 18, T47N, R04W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts ☐ Gallons  
below are: ☐ Acre-feet  
☐ \_\_\_\_\_ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988	3000	3000	3000	5000	5000	5000	5000	5000	5000	4000	3000	3000	49000
1989	3000	3000	3000	5000	5000	5000	5000	5000	5000	4000	3000	3000	49000
1990	3000	3000	3000	5000	5000	5000	5000	5000	5000	4000	3000	3000	49000

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 3 ac.

Stockwatering Horses, Cattle 100 head

Domestic 4 persons to 10 persons

Other (specify) \_\_\_\_\_

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

No change

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3/12/91, 19 91, at Montague, California

Signature: Marilyn F. Fitzgerald

## GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. Box 2000  
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE  
INFORMATION SHEET

STATEMENT NO. 8216

DIVERSION SITE:

OWNER'S NAME Harold Foster  
(FIRST) (MIDDLE) (LAST)

PARCEL NO. \_\_\_\_\_

PLACE OF USE:

OWNER'S NAME Marilyn Fitzgerald  
(FIRST) (MIDDLE) (LAST)

1. PARCEL NO. 41-080-140

2. PARCEL NO. 41-080-410

3. PARCEL NO. 4-100-110

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL  
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER OWNER

NAME Marilyn Fitzgerald  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS 13405 Agate Reservoir R  
Montague Ca 96064  
(CITY) (STATE) (ZIP)

TELEPHONE NO. (916) 459 - 3188

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
(CITY) (STATE) (ZIP)

TELEPHONE NO. ( ) -

2. NAME \_\_\_\_\_  
(FIRST) (MIDDLE) (LAST)

MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
(CITY) (STATE) (ZIP)

TELEPHONE NO. ( ) -

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR  
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL  
INFORMATION BOX.



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
STATEMENT OF WATER DIVERSION AND USE

S8216

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water John B. Fitzgerald  
Address Star Route, Box 10, Montague, California 96097

B. Name of body of water at point of diversion Bloomingtons - Foster's  
Tributary to Cold Creek

C. Place of diversion NW 1/4 NE 1/4 Section 18, Township 47N, Range 4W, B&M,  
Siskiyou County, or locate it on sketch of section grid on reverse side with regard to section  
lines or prominent local landmarks.

D. Name of works Open ditch to 6" steel pipe to 1" plastic pipe.

E. Capacity of diversion works 1 1/2" Pipe, 30 Gallons per Minute cubic feet per second  
NONE gallons per minute  
Capacity of storage reservoir NONE gallons  
State quantity of water used each month in gallons or acre-feet acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1973	4000	4000	4000	6000	6000	6000	6000	6000	6000	6000	4000	4000	620,000

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Maximum annual water use in recent years 620,000 gallons  
Minimum annual water use in recent years 620,000 acre-feet  
Type of diversion facility: gravity X, pump \_\_\_\_\_  
Method of measurement: weir \_\_\_\_\_, flume \_\_\_\_\_, electric power meter \_\_\_\_\_, water meter \_\_\_\_\_, estimate X

F. Purpose of use (what water is being used for) Domestic, Livestock, Irrigating  
Garden.

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)  
SE 1/4 of the NE 1/4 of Section 13, Township 47N, Range 5W

H. Year of first use as nearly as known 62

I. Name of person filing statement John B. Fitzgerald  
Position Owner Organization \_\_\_\_\_  
Address Star Route, Box 10, Montague, California 96064

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed August 24, 1973 COPY FOR YOUR FILES Signature John B. Fitzgerald  
JOHN B. FITZGERALD

See Instructions on Reverse Side

WRCD 40 (6-72)

1-220-07-00-0